

REMARKS

Applicants are filing herewith an RCE to continue the prosecution of this application.

This Amendment is being submitted to address the issues raised in the Office Action.

In the Office Action, the Examiner rejected Claims 1, 10-20 and 22-31, which were all of the then pending claims, under 35 U.S.C. 103 as being unpatentable over the prior art, principally U.S. Patent 6,041,316 (Allen). Claims 20, 23, 24, 26 and 28-31 were further rejected under 35 U.S.C. 112 as lacking proper enablement.

More specifically, Claims 1, 10-19, 22-25, 27 and 28 were rejected as being unpatentable over Allen. Claims 20, 23, 26, 29 and 30 were rejected as being unpatentable over Allen in view of U.S. Patent 6,459,364 (Gupta); and Claims 24 and 31 were rejected as being unpatentable over Allen in view of Gupta and U.S patent application publication 2002/0081229 (Boyd, et al.).

Also, Claims 20, 23, 26, 27, 29, 30 and 31 were rejected on the basis that the specification does not enable the feature of producing tactile stimulus, as described in Claims 20, 23, 26 and 28. Claims 24 and 32 were rejected on the basis that the specification does not enable the step of producing olfactory stimulus as described in these claims.

This opportunity is being taken to amend independent Claims 1, 14, 17, 20 and 31 to better define the subject matters of these claims. Claim 24 is being amended to better describe the feature set forth in the claim, and new Claim 32, which is dependent from Claim 17, is being added to describe a preferred feature of the invention. Claim 16 is being cancelled to reduce the number of issues in this application.

For the reasons set forth below, Claims 20, 23, 24, 26 and 28-31 comply with the enablement requirement of 35 U.S.C. 112, and all of Claims 1, 10-15, 17-20 and 22-32 patentably distinguish over the prior art and are allowable. The Examiner is, thus, respectfully asked to reconsider and to withdraw the rejections of Claims 1, 10-15, 17-20 and 22-31, and to allow these claims and new Claim 32.

The present invention relates to methods and systems to encourage users to purchase software applications after they have been provided with a demonstration or trial version. Pursuant to the instant invention, after the user receives the trial or demonstration version, the performance of that trial or demonstration version is gradually diminished over time. In particular, the trial or demonstration version of the program that is provided to the user has a set of complete functionalities, and the performance of the application is diminished by eliminating functionalities one at a time according to a timed procedure to provide the user with a continuous, but progressively diminishing, use of the application.

As the application performance is being reduced, the user is able to continue using the trial or demonstration version of the application and can become reliant thereon. At the same time, the user's desire to have the full performance of the application causes him or her to purchase the product.

Allen, the primary reference relied on by the Examiner, describes procedures for delivering data over a communications network in a manner that encourages users to pay royalties for the use of the data. This is done by providing the user with a partially degraded version of a product, without requiring any payment of a royalty fee; and then providing a higher quality version of the product if the user pays the appropriate fees. From column 7, line 47 to column 8, line 57, Allen describes several ways to partially degrade the product.

For example, the product may be degraded by filtering out major or key portions of the data, or by adding noise. In addition, one or more portions of the data could be encrypted.

A very important difference between the present invention and Allen is that, with the procedure described in Allen, the user is initially provided with data that is partially degraded, while with the procedure of the present invention, the user is initially provided with an undegraded program, and the performance of that program is then diminished over time.

Allen expressly teaches, at numerous locations, providing the user with a degraded version of the product. For instance, in the Abstract, lines 5 and 6, it is explained that the customer is provided with "a partially degraded version of the data." Similarly, in column 2, lines 29 and 30, Allen emphasizes that the user is provided with liberal access "to partially-degraded data," and in column 2, lines 59 and 60, Allen states that the user is provided with "partially degraded data."

In column 4, lines 24-27, Allen states that the customer is provided with "a partially degraded version" of the desired data; and in column 6, lines 28-31, Allen indicates that "a partially degraded version" of the requested data is provided to the customer.

The clear and unmistakable teaching of Allen is to provide the user with a degraded version of the data.

The present invention does not do this. Moreover, this difference is critical because with the procedure described in Allen, the user might never work with the undegraded data. Because of this, the user might not know whether he or she really wants that undegraded data. With the present invention, in contrast, the user has full access to the undegraded version of the product for a period of time, and thus is much more knowledgeable about that product.

This, in turn, enables the user to make a better-informed decision about whether to purchase the undegraded version.

Other types of procedures to stop programs provided to users on a trial basis are known. For example, as discussed in the Background section of the present application, some programs have expiration dates beyond which consumers cannot use the program. For instance, some programs can be downloaded and used for a certain period of time, such as one month, after which the program expires. This is an "on or off" approach - that is, the consumer has use of the program for a while and then at some time the program expires. Allen alludes to this "on or off" approach. In column 7, lines 61-65, Allen notes that the program could be provided with a usage time limitation such that the data is destroyed or otherwise rendered unusable after elapse of a predetermined time.

This "on or off" or "all or nothing" approach is problematic. When the program stops working, the user often decides to find another company that makes a similar program with similar functionality. Alternatively, the user may go back to the vendor's web site, again download the demo version of the program, and use it for another month until it too expires, without ever buying the program.

The present invention takes an approach that is very different from the approach taken by Allen, et al, and very different from the above-discussed all-or-nothing" approach. With the present invention, the user is provided with the complete functionality of the program, and then, over time, functionalities are eliminated one at a time.

This approach has a number of important advantages. One significant advantage, particularly in comparison with Allen, is that the user is able to experience the full functionality of the program and is able to learn what the full program can provide. After a

certain period of time, during which the user becomes comfortable with the program, the program slowly loses functionalities. The customer will get used to the program, because he or she is using it every day; and when the functionalities decrease, the chances increase that the user will purchase the full program.

Independent Claims 1, 14, 17, 20 and 31 are being amended to describe this feature of the invention. In particular, each of these claims describes the feature that the specified or trial application has a set of complete functionalities, and that the appearance or performance of that specified or trial application is progressively diminished over time by eliminating those functionalities, one at a time, and according to a timed procedure to provide the user with a continuous, but progressively diminished use of the specified or trial application.

This feature, as discussed above, is not shown in or suggested by Allen. Moreover, in view of the important emphasis placed in Allen on providing the user with a degraded program, there clearly is no suggestion in this reference to provide the user the an undegraded program, as described above. The only suggestion for doing this is found in the present application.

The other references of record have been reviewed, and they too, whether considered individually or in combination, also do not disclose or suggest this feature of the invention. For instance, Gupta discloses an Internet browser that has tactile elements; and Boyd, et al. discloses a scent storage device. Neither of these references, however, suggests using these features for the purpose of diminishing a trial or demonstration version of a computer program, as described in the independent Claims 1, 14, 17, 20 and 31.

In light of the above-discussed differences between Claims 1, 14, 17, 20 and 31 and the prior art, and because of the advantages associated with those differences, these claims patentably distinguish over the prior art. Claims 10-13 and 22-24 are dependent from Claim 1 and distinguish over the prior art therewith; and Claims 15, 25, 26 and 32 are dependent from, and distinguish over the prior art with, Claim 14. In addition, Claims 18, 19, 27 and 28 are dependent from Claim 17 and distinguish over the prior art therewith; and Claims 29 and 30 are dependent from, and distinguish over the prior art with, Claim 20. Accordingly, the Examiner is respectfully requested to reconsider and to withdraw the rejections of Claims 1, 10-15, 17-20 and 22-31 under 35 U.S.C. 103.

With respect to the rejections of Claims 20, 23, 24, 26 and 28-31 under 35 U.S.C. 112, these rejections are respectfully traversed because the specification fully enables those of ordinary skill in the art to practice the subject matters of these claims.

In the Office Action, the Examiner argued that the specification does not enable the feature of diminishing the performance of the trial software, including the step of producing tactile stimulus. The Examiner rejected Claims 20, 23, 26, 28 and 31 for this reason. The Examiner also argued that the specification lacks proper enablement for the capacity to produce olfactory stimulus, as described in Claims 24 and 31, and rejected these claims under 35 U.S.C. 112 on this basis.

The Examiner contends that ordinary computers do not have the capacity to produce tactile stimulus. Even assuming, for the sake of argument that this is correct, Applicants respectfully submit that this is not relevant. The question, under 35 U.S.C. 112, is not whether ordinary computers do or do not have a particular capacity. Instead, the relevant question is whether those of ordinary skill in the art would be able to practice the claimed

invention. If the present case, those of ordinary skill in the art would be able to modify computers to provide tactile stimulus, as described in Claims 20, 26, 28 and 31. Mechanisms to produce tactile stimulus are, *per se*, known, and those of ordinary skill in the art would be able to modify computers to operate mechanisms for producing tactile stimulus.

Gupta, for instance, discloses a computer device having a tactile interface. An important difference between Gupta and the system disclosed in the present application relates to the specific way in which the tactile stimulus is used. In Gupta, the tactile interface is used to produce Braile characters, while in the system disclosed in the present application, the tactile stimulus is used to diminish the performance of a computer application in accordance with a timed procedure.

It is important to keep in mind that the claims do not require any specific type of tactile stimuli, that these stimuli be produced in any particular way, or that any specific mechanism be used. It is only necessary that tactile stimuli be produced, in some operable way, in the manner described in the claims. Those of ordinary skill in the art can do this.

For similar reasons, Claims 24 and 31 also satisfy the enablement requirement. Specifically, these claims require means to produce olfactory stimuli. Applicants agree with the Examiner that ordinary computers do not operate in this way. However, here too, this is not the important question. The important question is whether those of ordinary skill in the art would be able to modify a computer to operate in this way. And the answer to this question is "yes" - modifying a computer to operate in this way can be done, without undue difficulty, by those of ordinary skill in the art.

Boyd, et al, for example, shows a computer system with a scent delivery system. A principal difference between Boyd, et al. and the disclosure of the present application relates to the circumstances under which the scent is delivered. In Boyd, et al, the delivery system is used to apply scents to cards; and as disclosed in the present application, the scent is delivered, in accordance with a timed procedure, to diminish the performance of an application.

In view of the above-discussion, the specification enables those of ordinary skill in the art to practice the subject matters of Claims 20, 23, 24, 26, 28, 29 and 30. The Examiner is, thus, asked to reconsider and to withdraw the rejections of these claims under 35 U.S.C. 112.

It is believed that the amendments made herein and the above comments, fully address all of the rejections of Claims 1, 10-15, 17-20 and 22-31. The Examiner is respectfully requested to reconsider and to withdraw the rejections of these Claims under 35 U.S.C. 103 and the rejections of Claims 20, 23, 24, 26, 28, 29 and 30 under 35 U.S.C. 112, and to allow Claims 1, 10-15, 17-20, and 22-32. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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